

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

HAYWARD INDUSTRIES, INC.,

Plaintiff/Counterclaim Defendant,

v.

Civil Action No. 3:20-cv-00710-MOC-DSC

BLUEWORKS CORPORATION,  
BLUEWORKS INNOVATION  
CORPORATION, NINGBO C.F.  
ELECTRONIC TECH CO., LTD.;  
NINGBO YISHANG IMPORT AND  
EXPORT CO., LTD.,

Defendants/Counterclaim Plaintiffs.

**VERDICT FORM**

Members of the jury, please answer the following questions as instructed:

1. Has Plaintiff Hayward proved that Defendant Blueworks infringed Plaintiff Hayward's trademarks HAYWARD, AQUARITE, GOLDLINE, SWIMPURE, TURBO CELL, PRO LOGIC?

Yes \_\_\_\_\_

No           ✓          

2. Has Plaintiff Hayward proved that Defendant Ningbo C.F. infringed Plaintiff Hayward's trademarks HAYWARD, AQUARITE, GOLDLINE, SWIMPURE, TURBO CELL, AND PRO LOGIC?

Yes \_\_\_\_\_

No           ✓

3. Has Plaintiff Hayward proved that Defendant Blueworks infringed Plaintiff Hayward's trademarks T-CELL-3, T-CELL-9, and T-CELL-15?

Yes \_\_\_\_\_ No           ✓          

4. Has Plaintiff Hayward proved that Defendant Ningbo C.F. infringed Plaintiff Hayward's trademarks T-CELL-3, T-CELL-9, and T-CELL-15?

Yes \_\_\_\_\_ No           ✓          

5. Have Defendants proved that its use of Plaintiff Hayward's marks was fair use?

Yes           ✓           No \_\_\_\_\_

6. Has Plaintiff Hayward proved that Defendant Blueworks made false or misleading statements in commercial advertising that deceived consumers or were likely to deceive consumers in a material way that caused harm to Plaintiff Hayward?

Yes           ✓           No \_\_\_\_\_

7. Has Plaintiff Hayward proved that Defendant Ningbo C.F. made false or misleading statements in commercial advertising that deceived consumers or were likely to deceive consumers in a material way that caused harm to Plaintiff Hayward?

Yes           ✓           No \_\_\_\_\_

8. Has Plaintiff Hayward proved that Defendant Blueworks violated the North Carolina Unfair or Deceptive Trade Practices Act?

Yes ✓ No           

9. Has Plaintiff Hayward proved that Defendant Ningbo C.F. violated the North Carolina Unfair or Deceptive Trade Practices Act?

Yes ✓ No           

10. If you find for Plaintiff Hayward on its claim for trademark infringement, false advertising, and/or the North Carolina Unfair and Deceptive Trade Practices Act what amount of Plaintiff Hayward's lost profits do you find should be awarded to Plaintiff Hayward?

\$ 4,900,000 (enter an amount)

11. In the alternative, if you do not find Hayward is entitled to its lost profits, but you find for Plaintiff Hayward on its claim for trademark infringement, false advertising, and/or the North Carolina Unfair and Deceptive Trade Practices Act what amount of Defendants' profits do you find should be awarded to Plaintiff Hayward?

\$ N/A (enter an amount)

12. Has Plaintiff Hayward proved Defendant Blueworks infringed Hayward's copyrighted work entitled "AQUA RITE OPERATION AND INSTALLATION MANUAL"?

Yes            No ✓

13. Has Plaintiff Hayward proved Defendant Ningbo C.F. infringed Hayward's copyrighted work entitled "AQUA RITE OPERATION AND INSTALLATION MANUAL"?

Yes

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No

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14. If you find that Hayward proved Defendants copied Hayward's copyrighted work, have Defendants proved the use of Hayward's copyrighted work was fair use?

Yes

☐


No

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15. What amount of damages, if any, do you find that Plaintiff Hayward is entitled to recover as a result of Defendants' infringement of its copyrighted work?

\$ 750 (enter an amount)

SO SAY WE ALL.

  
Foreperson's Signature

DATE: 3-1-24